

A Regular meeting of the Board of Selectmen was held on August 14, 2007 in the Main Meeting Room of the Town Hall beginning at 7:30 p.m. The following members were present.

Al DeNapoli, Chairman
Christopher Timson, Vice Chairman
Catherine Winston
Michael Caron, Clerk
David Sullivan

Also present:
Michael Boynton, Town Administrator
James Johnson, Asst. Town Administrator

Mr. DeNapoli called the meeting to order at 7:30 p.m.

ANNOUNCEMENTS:

Mr., DeNapoli extended his congratulations to the Little League. Good luck in the World Series.

Mr. Caron publicly thanked the police and fire departments. for putting the parade together for the Little League. It was just a few cars and one fire engine but it was certainly great.

Mr. DeNapoli would like to talk about doing something for them. Mr. Boynton explained the schedule. Walpole is playing Friday at 2 p.m. They have represented the town and families well. People can go online to www.littleleague.org for the series schedule.

Mr. DeNapoli announced that the Ponds Committee is looking for volunteers for the 3rd Saturday water chestnut harvesting. It will take place this Saturday the 18th.

8-2 Lorraine Dundon, Recreation Committee

Ms. Dundon appeared before the Board seeking an associate seat on the Recreation Committee. She wants to help out and be on the Committee. It is a great department and she feels she could help by being more involved.

MOTION moved by Mr. Timson to appoint Lorraine Dundon to the Recreation Committee as an associate seconded by Mr. Caron, VOTED 5-0-0

8-3 Street Order of Takings & Acceptances

Ms. Walker explained that this is the last step in the process for Street Acceptances. There are nine streets that were accepted at the Spring Town Meeting 2007. The Subdivisions are Wisteria Ways I, Pinnacle Point, Comstock Way, Vintage Lane and Windchime Way.

Wisteria Ways I

MOTION moved by Mr. Timson to accept the order of taking and the sign the documents for Natalie Lane, seconded by Mr. Caron, VOTED 5-0-0

MOTION moved by Mr. Timson to accept the order of taking and the sign the documents for Sawmill Road, seconded by Mr. Caron, VOTED 5-0-0

MOTION moved by Mr. Timson to accept the order of taking and the sign the documents for Gristmill Lane, seconded by Mr. Caron, VOTED 5-0-0

MOTION moved by Mr. Timson to accept the order of taking and the sign the documents for Garden Terrace, seconded by Mr. Caron, VOTED 5-0-0

MOTION moved by Mr. Timson to accept the Operation and Maintenance Covenant and Plan FOR Wisteria Ways I subdivision with the Town of Walpole, Conveyance of Easements and Utilities (form J's), Conveyance of Pedestrian Trail Easement, and Conveyance of easements and utilities III, and to sign the documents and have them notarized, seconded by Mr. Caron, VOTED 5-0-0

Pinnacle Point Subdivision

MOTION moved by Mr. Timson to accept the order of taking and the sign the documents for Pinnacle Drive, seconded by Mr. Caron, VOTED 5-0-0

MOTION moved by Mr. Timson to accept the order of taking and the sign the documents for Misty Lane, seconded by Mr. Caron, VOTED 5-0-0

MOTION moved by Mr. Timson to accept the conveyance of easements and utilities and sign the document and have it notarized for Pinnacle Point subdivision, seconded by Mr. Caron VOTED 5-0-0

MOTION moved by Mr. Timson to accept the deed, sign the acceptance document and have it notarized for access to parcel A, part of the Pinnacle Point subdivision, seconded by Mr. Caron, VOTED 5-0-0

Comstock Way

MOTION moved by Mr. Timson to accept the order of taking and the sign the documents for Comstock Way, seconded by Mr. Caron, VOTED 5-0-0

MOTION moved by Mr. Timson to accept the conveyance of easements and utilities and sign the documents and notarize for Comstock Way, seconded by Mr. Caron, VOTED 5-0-0

MOTION moved by Mr. Timson to accept the assignment of easement for Comstock Way and sign and notarize the document seconded by Mr. Caron, VOTED 5-0-0

Vintage Farm lane

MOTION moved by Mr. Timson to accept the order of taking and the sign the documents for Vintage Farm Lane, seconded by Mr. Caron, VOTED 5-0-0

MOTION moved by Mr. Timson to accept the Operation and Maintenance Covenant and Plan with the Town of Walpole and conveyance of easements and utilities for Vintage Farm Lane and sign and notarize the document, seconded by Mr. Caron, VOTED 5-0-0

Windchime Way

MOTION moved by Mr. Timson to accept the order of taking and the sign the documents for Windchime Way, seconded by Mr. Caron, VOTED 5-0-0

MOTION moved by Mr. Timson to accept the Operation and Maintenance Covenant and Plan with the Town of Walpole and conveyance of easements and utilities for Windchime Way and sign and notarize the document, seconded by Mr. Caron, VOTED 5-0-0

8-14 Staffing, Town Clerk

Mr. Fucile, Town Clerk, had submitted a letter to the Board stating that he has inadequate staff to cover the Clerk's Office and he is looking to restore the part time person. He suggested this can be done through an article at town meeting. He explained that he works 24 hours a week. The assistant town clerk is full time and there is another full time person who works the window. This person would be a part time basis and would help with elections. How we prepare for major events. We will be doing dog tags and census. This person would help in those areas. We need that other set of hands. He feels given that they are going into a presidential year, it would be time to address that part time person at the peak time of the year. He is looking for someone to work 18 hours a week.

Mr. Boynton understands his need, but in 2003 the position was lost and at that time we lost a craftsman in the Highway, police officer and the sanitarian, those three have not been restored. He does not like to do mid year budgeting. If this position is deemed to be a priority, the person would not start until sometime in July. He would not encourage it. We have not done it that way. We will try to fill the needs as funding allows. We got two positions back a mechanic and dispatcher. We are still trying to get through things we have not filled. Mr. Boynton noted they had a presidential election in 2004. It is not

an appropriate time to take departments out of line. He would not recommend you change that at this time.

Mr. DeNapoli appreciates him bringing the needs of his department to the Board's attention. Four of the members have sat on the Finance Committee. If we were to start adjusting budgets, it could begin a slippery slope. We could look at this after Fall Town meeting to see what your needs are.

8-4 Boyden School parking

Mr. Johnson stated that back in 2006 Selectmen Timson asked him to look into the possibility of parking cars at the Boyden School during stadium events. The current zoning does not allow for parking so would need to rezone the area. Originally predicted the town could park 200 cars, but it is more like 103. The cost benefit analysis is that the town would break even. There would be one time costs for the town for parking lots improvements, parking lot signage, and change in zoning, possibly adding gates, and purchase of 204 porta-potties.

Mr. Timson noted that it initially looked like \$80,000 coming in to the Town and now it looks like a negative. He is aware that McDonalds is getting \$40 a space. He does not want to waste time on anything that will not make money. He questioned why the Town would need to spruce up the parking lot? Most of the parking areas are dirt. If there is no interest going forward, so be it, if it were 200 spaces you would be looking at \$80,000 a year.

Mr. DeNapoli feels that any new idea about generating revenue is something worth looking in to. It does not close the discussion tonight. We can raise this up under ~~old~~ business if you want to follow up.

Mr. Boynton felt that given the nature of parking I do not know if it would be a great idea of taking cash on site. I am always concerned about having someone taking cash on site. The use of the field, after all the discussion on fields, I thought the last thing we would want to do is to park cars on it.

Ms. Winston stated that aside from the money, she thinks it is a quality of life issue for S. Walpole. She is opposed to it. She has concerns about it.

8-5 Removal of Tree , 186 Gould Street

Mr. LeBlanc the Tree Warden appeared before the Board regarding the tree removal at 186 Gould Street. Tree hearing was held on July 23, and there were 16 trees listed that they were a hazard to public health. Sixteen trees were published in the newspaper and posted on the tree. There is one 36" tree at Gould Street that he can not remove without the approval of the Selectmen. During the hearing he received a letter of opposition for the removal of the tree. The tree in question is a maple, it stands right on the street gutter, 46% of the canopy of the tree is dead, large dead limbs, the main trunk showing

rot. The tree route system is gone, half of it due to the proximity of the road. It eliminates the tree to anchor itself into the ground. A strong wind could push this tree over. It is a hazard to those driving on Gould Street and it is close to Fisher School. He requested that a permit be issued.

Martha Hurney, lives at 186 Gould Street and is opposed to the removal of the tree. She explained to the Board there was another picture in the paper that shows a good picture of the canopy. If you approach the tree from the North Street end it is vigorous. She is not afraid of it falling. She does not see any change in it at all. She called the arboretum and they asked why they don't cut away the dead part. It seems as though it would be worthwhile to take away the dead part. The tree has been there for at least 140 years. My request instead of cutting it down that we at least try to remove the dead wood and take another look at it after that.

Richard Nottbart, 187 Gould Street, lives across the street from Mrs. Hurney and the tree. He has a great respect for her feelings on this, but we need to be objective of this. It is a beautiful tree, I took some picture myself, looking at the tree from my yard, whenever there is a north east storm, I think that it is in jeopardy of falling. He is concerned that the tree could fall into his property or onto the street. He had called a few years ago about the tree. I fully agree that it would be nice to trim it out, but I do not know. I do feel that it is something that needs to be taken care of soon.

Mr. Boynton had spoken to Mr. LeBlanc about pruning it, but his recommendation is still the same, the tree needs to come down. He suggested a replacement. Mr. LeBlanc noted that her home is very close to the road but hopes to come up with a possible solution.

Mrs. Hurney, would like to sit with someone to find the right tree.

Mr. DeNapoli explained to Mrs. Hurney that it is the Board's responsibility that we do not do anything that is at risk to people. We need to take the advice of our tree warden.

MOTION moved by Mr. Timson to authorize the tree warden to remove the tree in front of 186 Gould St, seconded by Ms. Winston (the tree warden will work with her for a replacement) VOTED 5-0-0

8-6 Iorio Arena, Common Victuallers License

Tim Sherman appeared from Iorio Arena he explained that a license was held until late June of this year. There was a concession stand, and she terminated her lease. We want to keep tables and chairs. The tenant was there 5 or 6 years. We have a new kitchen under construction at this time. It will be a cleaner new version of the same. The rink is going to operate the stand itself.

Mr. DeNapoli asked if he has been operating the business since the previous licensee left? He explained they have been selling soft drinks, vending machines. No seating.

to open the new kitchen in September. They do have a snack bar now. We sell soft drinks and chips.

Ms. Winston stated she was at the rink today and the snack bar was open and you advertise hotdogs and hamburgers. Mr. Sherman stated that he was not aware of that. Ms. Winston explained that you still need the common Victuallers license.

Ms. Winston asked if they have video or arcade games?

Mr. Sherman thinks there is an air hockey game. But nothing in the arena.

Mr. DeNapoli stated so if we were to approve, the Common Victuallers you plan to start on September 1, we would want to make sure that Real estate, personal property and sewer and water, and motor vehicle taxes are paid prior to receipt of the license. There should be no food service

MOTION moved by Mr. Timson that we grant the Common Victualler's license to Iorio arena @ Walpole LLC , and issue whenever the taxes are paid, seconded by Mr. Caron VOTED 4-1-0 Ms. Winston opposed.

Holly Berry Fair, Request for horse Drawn

The Board received a request from the United Church to have a horse drawn hay ride during their annual Holly Berry fair. Mr. Timson would like an insurance certificate for this.

MOTION moved by Mr. Timson to approve the request for a permit for a horse drawn hay ride for the United Church Holly Berry fair, provided they have some type of insurance, seconded by Mr. Caron , VOTED 5-0-0

8-13 Chief Bailey, Provisional Hire

MOTION moved by Mr. Timson to approve the request for a provisional hire for the Fire Department, seconded by Ms. Winston, VOTED 5-0-0

8-7 James Brady & Rick Merriken, Zarba Property

Attorney Brady explained this is a matter that was on the Spring Town Meeting Warrant. They wanted to come before the Board to get their approval for rezoning of this land. The parcel was purchased by the Town in November 2006. The town had taken it by tax title and then Mr. Zarba bought it back. During the discussions of the purchase of this property the Board had discussions about restrictions. What we are asking you to do is to modify some of the restrictions.

Rick Merriken, Engineer, explained the area in question is the former Remy storage warehouse building. The northerly portion of the property is zoned RB. The request is to

make it all HB. They are trying to expand it to include the area. The request is to make the entire property HB. All of the building would be on the front piece, and then behind we would use a portion of the large piece for parking. The intent is to leave substantial areas natural, so we provide buffers for the neighbors. We feel this footprint is going to do that. Most of the proposed building would be in the existing HB zone.

James Brady, the smaller portion does not have a deed restriction on it. If you look at the article we gave you we are not looking to delete the restriction in its entirety. This property is on route 1. This currently generates about \$13,000 in new taxes. A new building would generate about \$65,000. We are talking about 120ft buffer between the parking lot and the residents and approximately 200ft from Sharon Country Day. We are looking for positive input from the Board.

Mr. Timson recalled when the Board was putting the restrictions on the property we were trying to avoid a residential development where we really wanted commercial, and to maintain sufficient buffer. What he is presenting here accomplishes what we wanted to do. It does not encroach on the neighbors. I would be in favor of it based on what I hear.

We would be rezoning lot 2B, majority of the piece that was purchased from the town.

Mr. Orlandi of 681 Common Street thought they were not coming back here until the Fall? Mr. Timson explained the Board is being asked to place this on the Fall warrant. Mr. Timson, you said you were comfortable with that buffer. Mr. Timson stated that what he sees is a 150 feet. Mr. Orlandi questioned Mr. Timson if he knows what the law is? It is 40 feet.

Mr. Timson stated that looking at this, the Planning Board would approve a plan and that plan would have buffer. If that type of building gets put up, it is not likely that they will redevelop it. We want to maintain an adequate buffer.

He is worried, that they could go back to the 40 foot buffer. It can be done again. So the offer of 120 feet goes away.

James Brady, you are right, the applicant may appear before the ZBA and ask for a forty foot buffer. Mr. Zarba has given his word. If the building was doing well he could do that. The Planning Board and Zoning Board are authorized by statute to increase the buffer. We will be asking for buffers for what we are showing here.

Mr. Sly 671 Common St., stated his problem is noise, I have taken this up with the police dept. We have trucks going down Common Street and there is a lot of noise. This building is going to be used for office space. What about automobile sales, car wash? All of these things make a lot of noise. How many offices are going to be in this building? I do not know if we are going to lose some of this buffer zone. What is the wording that is going to be modified?

James Brady, I think the trucks are there to stay. I do not think that this building will increase any noise. The majority of traffic will be going out to Route One. It is primarily office and maybe some retail. He explained what the change in the restriction is that they are looking for.

MOTION moved by Mr. Timson that we support this proposed zoning article for the Fall town meeting warrant, seconded by Ms. Winston, VOTED 5-0-0

8-8 One Day Liquor License

MOTION moved by Mr. Timson to approve the one day All day liquor license for the Knights of Columbus, seconded by Mr. Sullivan, VOTED 5-0-0

8-9 Fall Town meeting Timetable

MOTION moved by Mr. Timson that we adopt the time table for the Fall Town meeting set forth in this document before us, seconded by Mr. Caron, VOTED 5-0-0

8-12 Norfolk Hunt Club

MOTION moved by Mr. Timson to approve the request for the use of Adams Farm by the Norfolk Hunt Club on September 8, October 1 and November 6 subject to the approval of same by Adams Farm committee, seconded by Mr. Caron, VOTED 5-0-0

8-15 Town Hall surplus

Mr. Boynton asked that the Board declare the items surplus. The value is under \$5,000.

MOTION moved by Ms. Winston to declare the items surplus as listed in the memo from the Purchasing Department, seconded by Mr. Caron, VOTED 4-0-0 (Mr. DeNapoli had stepped out)

8-16 Bird Park Concert, Banner

MOTION moved by Mr. Caron to approve the request to hang the banner from August 30 to September 7 to announce the Bird Park concert, seconded by Ms. Winston, VOTED 4-0-0

8-17 Chapter 90 reimbursement request

MOTION moved by Mr. Caron to approve the request for reimbursement to Mass Highway for \$50,154.20, seconded by Mr. Sullivan, VOTED 4-0-0

Town Administrator's update

GIC: GIC communities are authorized by October 1, 2007 to join. Few if any will do this by July. After all the discussion, it was nice to hear the executive director say that the group we are part of is one of the best. We would have to look at it to see if it were beneficial for us to join. I asked Jim to get together with the committee. There are kinks; we would like to see how it goes before we join. Mr. Boynton does not feel that he has the time to put a cost benefit analysis together. They need to negotiate this and he does not think that it can be accomplished by October 1.

Free Cash: Have not had free cash certified. It does appear that it is healthy again it looks like \$4.7 million. We closed out the budget, holding prison mitigation reserves and the net impact of Bayer's construction. SBA it was determined that Walpole had the ability to reimburse an additional money. We did have a solid waste savings. It is good news. I am quite optimistic that we can do some positive things with this. This does not include the extra \$250,000 in prison mitigation. It is suggested to us, is to be able to set out that money for stabilization fund, to use up to \$40,000 annually to our debt budget. I would like the Board to think about what we can do with this.

Gillette Stadium Events: We had petitioned the Patriots to increase our public safety staffing during events. We met with them last month, and received a verbal confirmation, that we can go ahead for one year and sit down again and see how we do. This includes two additional police officers during stadium events for four hours. We will place them along route one near Pine St. to help deal with issues that occur. It has long been an issue. We are moving forward.

NEW BUSINESS

Ms. Winston noted that the time is approaching for the Board to start talking about Mr. Boynton's contract. Usually the chairman sits down with the Town Administrator. Our Town Administrator is underpaid by quite a bit of money. I think it is time to bump you up a bit.

MINUTES

MOTION moved by Mr. Timson to approve the minutes of July 17, 2007, seconded by Mr. Caron, VOTED 5-0-0

MOTION moved by Mr. Timson to approve the executive session minutes of July 17, 2007, seconded by Mr. Caron, VOTED 5-0-0

MOTION moved by Mr. Timson to approve the minutes of July 24, 2007, seconded by Mr. Caron, VOTED 5-0-0

MOTION moved by Mr. Timson to approve the executive session minutes of July 24, 2007, seconded by Mr. Caron, VOTED 5-0-0

MOTION moved by Mr. Timson to enter Executive session for the purpose of discussing the potential purchase of Real estate under M.G.L., Chapter 39, 23b6, MC by roll call vote 5-0-0

MOTION moved by Mr. Caron to adjourn at 10:36 p.m. seconded by Mr. Timson, VOTED 5-0-0

Respectfully submitted;

Michael F. Caron, Clerk